

**CONFERENCE COMMITTEE REPORT
HOUSE BILL 62**

Senator Jones submitted the following Conference Committee Report:

Austin, Texas
September 3, 1986

Honorable William P. Hobby
President of the Senate

Honorable Gibson D. "Gib" Lewis
Speaker of the House of Representatives

Sir:

We, your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on H.B. 62 have met and had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

JONES
FARABEE
MCFARLAND
CAPERTON
MONTFORD

On the part of the Senate

TOOMEY
WILLIAMSON
T. SMITH
WILSON
PEREZ

On the part of the House

The Conference Committee Report was read and was filed with the Secretary of the Senate.

MEMORIAL RESOLUTION

S.R. 89 - By Montford: Memorial resolution for Charles Cooper Carter.

ADJOURNMENT

On motion of Senator Brooks, the Senate at 11:55 o'clock a.m. adjourned until 11:00 o'clock a.m. tomorrow.

APPENDIX

Signed by Governor
(August 29, 1986)

S.B. 40

Sent to Governor
(September 3, 1986)

S.B. 15

EIGHTEENTH DAY

(Thursday, September 4, 1986)

The Senate met at 11:30 o'clock a.m., pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Barrientos, Blake, Brooks, Brown, Caperton, Edwards, Farabee, Glasgow, Green, Harris, Howard,

Jones, Kothmann, Krier, Leedom, McFarland, Mauzy, Montford, Parker, Parmer, Sarpalius, Sharp, Sims, Traeger, Truan, Uribe, Washington, Whitmire.

Absent-excused: Henderson, Lyon, Santiesteban.

A quorum was announced present.

Senator Ray Farabee offered the invocation as follows:

Our Father, we thank Thee for this country, for this State of Texas, for this institution and for the opportunity to serve here. We particularly give thanks today for those Members of the Senate, Senators Mauzy, Kothmann, Traeger, Howard and Sharp, who will be leaving the Senate at the end of this term. Give us the patience, the courage and the commitment to do Thy will. For we ask these things in Thy Name. Amen.

On motion of Senator Brooks and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

LEAVES OF ABSENCE

Senator Lyon was granted leave of absence for today on account of illness on motion of Senator Brooks.

Senator Santiesteban was granted leave of absence for today on account of important business on motion of Senator Sims.

Senator Henderson was granted leave of absence for today on account of important business on motion of Senator Harris.

GUEST PRESENTED

Senator Leedom was recognized and introduced Dr. Joseph Dubin, of Dallas, the Capitol Physician for the Day.

The Senate welcomed Dr. Dubin and expressed their appreciation for his service.

MESSAGE FROM THE HOUSE

House Chamber
September 4, 1986

HONORABLE W. P. HOBBY
PRESIDENT OF THE SENATE

SIR: I am directed by the House to inform the Senate that the House has passed the following:

The House has concurred in Senate amendments to **H.B. 32** by a record vote of 106 Ayes, 1 Noes, 1 Present-Not Voting.

H.C.R. 20, Granting David Wayne Williams permission to sue the State.

The House has adopted the Conference Committee Report on **H.B. 62** by a non-record vote.

S.C.R. 6, In memory of Dr. Thomas M. Spencer.

S.C.R. 8, Commending General Belisario D. J. Flores.

S.C.R. 21, Commending James Ross Sanders for his invaluable contributions and service to the State of Texas as Director of the Legislative Reference Library.

Respectfully,

BETTY MURRAY, Chief Clerk
House of Representatives

SENATE RESOLUTION 90

Senator Traeger offered the following resolution:

WHEREAS, For almost 40 years, Margaret Behrens has been a mainstay of state government and her retirement will be deeply felt throughout the corridors of power; and

WHEREAS, Executive secretary for Lieutenant Governor Hobby for the past 14 years, her baptism of fire in the strange and fascinating world of Texas politics began with her employment with the Attorney General's Office during the administration of General Price Daniel; and

WHEREAS, A valued employee and friend, she followed the newly elected U.S. Senator Daniel to Washington where her loyalty and ability were highly appreciated commodities; and

WHEREAS, Inextricably linked with the political fortunes of her boss, she returned to Austin in 1957 to work for Governor Daniel until his retirement in 1963; and

WHEREAS, Employed by the Senate and the Texas Employment Commission from 1963 until 1966, Mrs. Behrens went to work for young Ben Barnes in 1966 and followed him to the Senate that was to be her home for the next 17 years in 1969; and

WHEREAS, A respected political prognosticator, her knowledge of Texas government is legendary and her tales of days gone by have enthralled many young Capitol staffers; and

WHEREAS, Her petite and fragile frame belies an awesome efficiency and ability; and

WHEREAS, Unflappable and serene in the face of impending crisis, her charm and gracious manner have made her a beloved member of the Senate family; and

WHEREAS, An outstanding public servant, she is an exemplary role model for all young Capitol staff employees; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 69th Legislature, 2nd Called Session, hereby commend Margaret Behrens for her years of dedicated service to the State of Texas with the admonition that she never forget her many Capitol friends; and, be it further

RESOLVED, That a copy of this Resolution be prepared for her as an expression of highest appreciation and esteem from the Texas Senate.

The resolution was read.

On motion of Senator Brooks and by unanimous consent, the names of the Lieutenant Governor and Senators were added to the resolution as signers thereof.

On motion of Senator Traeger and by unanimous consent, the resolution was considered immediately and was adopted.

GUEST PRESENTED

The Lieutenant Governor presented an enrolled copy of S.R. 90 to Mrs. Behrens.

Mrs. Behrens addressed the Senate, expressing her appreciation to the Senate and staff members for their years of friendship.

BILLS AND RESOLUTIONS SIGNED

The President announced the signing in the presence of the Senate, after the caption had been read, the following enrolled bills and resolutions:

H.C.R. 33	S.C.R. 5	
H.C.R. 34	S.C.R. 6	
H.B. 3	S.C.R. 8	
H.B. 32	S.C.R. 21	
H.B. 50	S.B. 28	
H.B. 78	S.B. 26	(Signed subject to 49a, Art. III
H.B. 93		Constitution of State of Texas)

HOUSE RESOLUTION ON FIRST READING

The following resolution received from the House was read the first time and referred to the Committee indicated:

H.C.R. 20, To Committee on Jurisprudence.

**CONFERENCE COMMITTEE REPORT
HOUSE BILL 27**

Senator Farabee submitted the following Conference Committee Report:

Austin, Texas
September 2, 1986

Honorable William P. Hobby
President of the Senate

Honorable Gibson D. "Gib" Lewis
Speaker of the House of Representatives

Sir:

We, your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on **H.B. 27** have met and had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

FARABEE
CAPERTON
JONES

RUDD
OLIVERIA
TOOMEY
A. SMITH
S. THOMPSON

On the part of the Senate

On the part of the House

The Conference Committee Report was read and was filed with the Secretary of the Senate.

**CONFERENCE COMMITTEE REPORT ON
HOUSE BILL 27 ADOPTED**

Senator Farabee moved that all necessary rules, including the layout and printing rules, be suspended to consider the adoption of the Conference Committee Report on **H.B. 27**.

The motion prevailed by the following vote: Yeas 21, Nays 6, Present-not voting 1.

Yeas: Blake, Brooks, Brown, Caperton, Edwards, Farabee, Green, Harris, Jones, Kothmann, Krier, Leedom, McFarland, Montford, Parmer, Sarpalius, Sharp, Sims, Traeger, Uribe, Whitmire.

Nays: Barrientos, Glasgow, Mauzy, Parker, Truan, Washington.

Present-not voting: Howard.

Absent-excused: Henderson, Lyon, Santiesteban.

On motion of Senator Farabee, the Conference Committee Report on **H.B. 27** was adopted by the following vote: Yeas 21, Nays 6, Present-not voting 1. (Same as previous roll call)

(Senator Brooks in Chair)

**CONFERENCE COMMITTEE REPORT ON
HOUSE BILL 62 ADOPTED**

Senator Jones called from the President's table the Conference Committee Report on **H.B. 62**. (The Conference Committee Report having been filed with the Senate and read on Wednesday, September 3, 1986.)

On motion of Senator Jones, the Conference Committee Report was adopted viva voce vote.

RECORD OF VOTES

Senators Green and Mauzy asked to be recorded as voting "Nay" on the adoption of the Conference Committee Report.

(President in Chair)

MESSAGE FROM THE HOUSE

House Chamber
September 4, 1986

HONORABLE W. P. HOBBY
PRESIDENT OF THE SENATE

SIR: I am directed by the House to inform the Senate that the House has passed the following:

The House has concurred in Senate amendments to **H.B. 64** by a record vote of 123 Ayes, 0 Noes, 1 Present-not voting.

The House has concurred in Senate amendments to **H.B. 14** by a record vote of 123 Ayes, 0 Noes, 1 Present-not voting.

The House has concurred in Senate amendments to **H.B. 99** by a record vote of 122 Ayes, 1 Noes, 1 Present-not voting.

The House has adopted the Conference Committee Report on **H.B. 27** by a record vote of 110 Ayes, 13 Noes, 1 Present-not voting. (Passed, subject to Art. III, Sec. 49a, Texas Constitution)

Respectfully,

BETTY MURRAY, Chief Clerk
House of Representatives

SENATE RESOLUTION 97
(Caucus Report)

Senator Brooks offered the following resolution:

Honorable William P. Hobby
President of the Senate
Austin, Texas

Sir:

At a caucus held on September 4, 1986, and attended by 27 Members of the Senate, the following recommendations were made, to wit:

BE IT RESOLVED by the Senate, That:

The Lieutenant Governor may employ such employees as are necessary for the operation of his office from the closing of this session and until the convening of the next session, and in addition thereto, he and the Secretary of the Senate shall be furnished postage, telegraph, telephone, express, and all other expenses incident to their respective offices.

The Secretary of the Senate shall be retained during the interval between adjournment of this session and the convening of the next session of the Legislature. The Secretary of the Senate may employ such employees as are necessary for the operation of her office and to perform duties as may be required in connection with the business of the state from the closing of this session and until the convening of the next session. All employees and elected officers of the Senate shall operate under the direct supervision of the Secretary of the Senate during the interim.

The Administration Chairman is authorized to retain a sufficient number of staff employees to conclude the work of the Enrolling Clerk, Calendar Clerk, Journal Clerk, and Sergeant-at-Arms. The Committee on Administration shall establish the salaries to be paid the Senate staff.

The Chairman of the Senate Committee on Administration is hereby authorized and directed to cause the Senate Chamber to be placed in order and to purchase such supplies and to make all such repairs and improvements as are necessary between the adjournment of this session and the convening of the next session of the Legislature and make an inventory of all furniture and fixtures in the Senate Chamber and in the private offices of the Members, as well as of the supplies and equipment on hand in the Purchasing and Supply Department and close his books for the 2nd Called Session of the 69th Legislature. No equipment shall be acquired on a rental/purchase plan unless such equipment be placed on the Senate inventory at the termination of such plan. He shall also examine records and accounts payable out of the Contingent Expense Fund as shall be necessary properly to approve all claims and accounts against the Senate, and no claim or account shall be paid without his consent and approval, and he and any member of the Administration Committee shall be entitled to receive his actual and necessary expenses incurred during the interim; and, be it further

RESOLVED, That there shall be printed 325 volumes of the Senate Journal of the 2nd Called Session of the 69th Legislature; when complete 250 copies shall be bound in buckram and delivered to the Secretary of the Senate; one volume thus bound shall be forwarded by the Secretary of the Senate to each Member of the Senate, the Lieutenant Governor and to each Member of the House of Representatives on request. The printing of such journals shall be done in accordance with the provisions of this Resolution under the supervision of the Chairman of the Committee on Administration; provided, further, that it shall be the duty of said chairman to refuse to receive or receipt for said Senate Journals until corrected and published in accordance with the preexisting law as finally approved by the Chairman of the Committee on Administration of the Senate. When the

accounts have been certified by the Chairman of the Committee on Administration of the Senate, said accounts shall be paid out of the Contingent Expense Fund of the 69th Legislature; and, be it further

RESOLVED, That all salaries and expenses herein authorized to be incurred and paid for shall be paid out of the per diem and Contingent Expense Fund of the 69th Legislature as follows: The Senate shall request the State Comptroller of Public Accounts to issue general revenue warrants for payment of the employees of the Lieutenant Governor's office, the Lieutenant Governor, Members of the Senate, employees of the Senate committees, and employees of the Senate, except as provided in Section 20 of the Legislative Reorganization Act (Article 5429f, Vernon's Texas Civil Statutes), upon presentation of the payroll account signed by the Chairman of the Administration Committee and the Secretary of the Senate; and for the payment of materials, supplies, and expenses of the Senate, including travel expenses for Members and employees, upon vouchers signed by the Chairman of the Senate Committee on Administration and the Secretary of the Senate; and, be it further

RESOLVED, That in furtherance of the legislative duties and responsibilities of the Senate, the Administration Committee is hereby authorized and directed to charge to the individual Member's office budget as hereinafter authorized: (1) reimbursement of all actual expenses incurred by the Members when traveling in performance of such duties and responsibilities or incident thereto, and (2) payment of all other reasonable and necessary expenses for the operation of the office of the individual Senator during any period the Legislature is not in session. Expenditures for these services by the Administration Committee as hereby authorized as an expense of the Senate shall not be restricted to Austin but may be incurred in individual senatorial districts. Such expenses shall be paid from funds appropriated for the use of the Senate on vouchers approved by the Chairman of the Administration Committee and the Secretary of the Senate in accordance with regulations governing such expenditures; and, be it further

RESOLVED, That for the time period from the end of the 69th Legislature, 2nd Called Session, until the convening of the next regular or special session, each Senator shall be permitted to employ secretarial and other office staff and for intrastate travel expenses for staff employees a maximum payroll of \$13,500.00 per month under the classification schedule hereinafter provided. Any unexpended portion of this amount may be carried forward from month to month until the convening of the 70th Legislature at which time the balance lapses. Other expenses, including travel expenses or other reasonable and necessary expenses incurred in the furtherance and performance of legislative duties or in operation of his office or incident thereto, shall be provided in addition to the maximum salary authorized.

In order to accrue vacation leave, compensatory/overtime leave, or sick leave, employees of Members must file monthly time sheets with the Senate Personnel Office by the 10th of the month following the month in which work was performed. Employees of Members and committees must use overtime accrued in a given month by the end of the same month of the following year. Overtime accrued prior to January 1, 1986, will not be carried forward after January 1, 1987. No overtime will be paid at either the end of the fiscal year or at an employee's termination; and, be it further

RESOLVED, That the Lieutenant Governor shall have the authority to appoint any Member of the Senate, the Secretary of the Senate, or other Senate employee to attend meetings of the National Conference of State Legislatures and other similar meetings. Necessary and actual expenses are hereby authorized upon the approval of the Chairman of the Administration Committee and the Secretary of the Senate; and, be it further

RESOLVED, That each of the standing committees and subcommittees of the Senate of the 69th Legislature be authorized to continue to meet at such times and

places during the interim as determined by such committees and subcommittees and to hold hearings, recommend legislation, and perform research on matters directed either by Resolution, the Lieutenant Governor, or as determined by majority vote of each committee. Each continuing committee and subcommittee shall continue to function under the rules adopted during the legislative session where applicable. Expenses for the operation of these committees and subcommittees are hereby authorized to be paid pursuant to a budget prepared by each committee and approved by the Administration Committee; and, be it further

RESOLVED, That there is hereby created a committee whose membership shall consist of all 31 Senators, and the Dean of the Senate shall preside as chairman. The chairman may appoint a vice-chairman or chairman pro tempore to preside in the absence of the chairman.

The committee has the duty and authority to supervise all matters relating to the elected officers or internal affairs of the Senate. The committee has the power to do all things reasonable and necessary in carrying out its responsibilities, including but not limited to the discharge of elected officers, filling vacancies in any elected office, determining salaries of elected officers, and prescribing the powers, functions, responsibilities, and duties of the several elected officers of the Senate. The committee shall meet at the call of the chairman or a date specified in a written request of 11 Members or as may be determined by the committee after its initial meeting. Twenty-one Members shall constitute a quorum and a majority of the quorum may take action.

The operating expenses of this committee shall be paid from the Contingent Expense Fund of the Senate, and the committee members shall be reimbursed for their actual expenses incurred in carrying out the duties of the committee.

Any Members not returning for the 70th Legislature will vacate their Senate offices by December 15, 1986; and, be it further

RESOLVED, That no employee of the Senate shall during the time he or she is employed furnish to any person, firm, or corporation any information other than general information furnished the public pertaining to the Senate, and they shall not without permission receive any compensation from any person, firm, or corporation during their employment by the Senate, and any employee found guilty of violating this provision shall be immediately discharged; and, be it further

RESOLVED, That the Secretary of the Senate is specifically directed not to permit the removal of any of the property of the Senate from the Senate Chamber or the rooms of the Senate except as authorized by the Chairman of the Administration Committee.

Respectfully submitted,

/s/Brooks

Chairman of the Caucus

/s/Mauzy

Secretary of the Caucus

The resolution was read and was adopted viva voce vote.

**ELECTION OF PRESIDENT PRO TEMPORE AD INTERIM,
SECOND CALLED SESSION OF THE SIXTY-NINTH LEGISLATURE**

The President announced the election of the President Pro Tempore as the next order of business.

Senator Brooks nominated Senator Ed Howard of Texarkana as President Pro Tempore Ad Interim for the Second Called Session of the 69th Legislature.

Senators Leedom, Sarpalius, Jones, Traeger, Blake, Edwards, Caperton, Uribe, McFarland, Brown, Truan, Krier, Montford, Whitmire, Parker, Glasgow and Green seconded the nomination.

On motion of Senator Brooks and by unanimous consent, Senator Howard was elected by acclamation.

Senators Jones, Farabee, Traeger, Brooks and Glasgow were appointed by the President to escort Senator Howard to the President's Rostrum.

The President administered the Oath of Office to Senator Howard.

Senator Howard addressed the Senate, expressing his appreciation for the friendship and support of the Lieutenant Governor, Members and Senate staff.

REMARKS BY LIEUTENANT GOVERNOR

The Lieutenant Governor addressed the Senate as follows:

A correspondent for the Houston Morning Star reported from Washington on December 9, 1842, that "There is but little liquor in town; but nevertheless, it finds its way to the lips of some of the Honorable members." Five days later, he reported: "The Senate seems disposed to wait the movements of the House, and not to originate more than they can help." Another visitor reported on December 22 that he found the members of the House lolling about, then,

"Finding nothing there to interest me, I proceeded to the Senate, which is held in Bailey, Gay, and Hoxey's old store, where I found the President looking at the Senators, and the Senators looking at him. The Senate, I learned, was waiting for the House to progress with business, and the House, I suppose, often waits for the Senate, and in the meantime certain members steal away occasionally and consult the book of prophecies, alas, a pack of cards. Thus our legislators labor for their country."

MOTION TO PLACE HOUSE CONCURRENT RESOLUTION 11 ON SECOND READING

Senator Sarpalius moved to suspend the regular order of business to take up for consideration at this time:

H.C.R. 11, Requesting Congress to amend the Price-Anderson Act regarding high-level radioactive waste.

On motion of Senator Sarpalius and by unanimous consent, the motion to suspend the regular order was withdrawn.

MOTION TO ADJOURN SINE DIE

Senator Brooks moved that the Senate at 12:20 o'clock p.m. adjourn sine die pending completion of administrative duties of the staff and the President.

BILLS SIGNED

The President at 12:58 o'clock p.m. announced the signing, after the caption had been read, the following enrolled bills:

H.B. 14

H.B. 27

H.B. 62

H.B. 64

H.B. 99

MEMORIAL RESOLUTIONS

S.R. 93 - By Barrientos: Memorial resolution for Gabriel Balades Gutierrez.

S.R. 94 - By Barrientos: Memorial resolution for Russell Lee.

CONGRATULATORY RESOLUTIONS

S.R. 91 - By Barrientos: Extending congratulations to The University of Texas Longhorn Band.

S.R. 92 - By Barrientos: Expressing appreciation to Mr. and Mrs. Levi White.

S.R. 95 - By Brooks: Extending congratulations to the Annie Leff Hadassah Medical Center on its 10th anniversary.

S.R. 96 - By Mauzy: Commending the Abrazzos Society Club, Incorporated.

ADJOURNMENT SINE DIE

The President announced that the hour for final adjournment of the Second Called Session of the 69th Legislature had arrived.

Senator McFarland moved that the Senate at 1:00 o'clock p.m. stand adjourned sine die.

The motion prevailed and the President declared the Second Called Session of the 69th Legislature adjourned sine die.

APPENDIX

Sent to Governor
(September 4, 1986)

S.C.R. 5
S.C.R. 6
S.C.R. 8
S.C.R. 12
S.C.R. 18
S.C.R. 21
S.B. 28

(September 8, 1986)

S.B. 26

Sent to Comptroller
(September 4, 1986)

S.B. 26

Signed by Governor (September 2, 1986)

H.C.R. 23
H.C.R. 25
H.C.R. 26
H.C.R. 28
H.C.R. 30

(September 3, 1986)

H.C.R. 32
H.C.R. 27
H.C.R. 18
H.C.R. 15
S.C.R. 10

(September 7, 1986)

S.B. 28
H.B. 62

(September 15, 1986)

H.B. 13 (Effective the 1986-1987
school year)

(September 18, 1986)

S.C.R. 6
S.C.R. 12
H.B. 14 (Effective immediately)
H.B. 32 (Effective immediately)
H.B. 78 (Effective December 4, 1986)
H.B. 3 (Effective January 1, 1987)
H.C.R. 33

(September 22, 1986)

H.B. 50 (Effective immediately)
H.B. 27 (Effective immediately)
S.B. 26 (Effective January 1, 1987)
H.C.R. 34
S.C.R. 21
S.C.R. 18
S.C.R. 8

(September 23, 1986)

H.B. 99 (Effective immediately)
H.B. 64 (Effective January 1, 1987
except as otherwise provided)
H.B. 40 (Effective immediately)
S.B. 10 (Effective date of S.J.R.)
S.B. 11 (Effective January 1, 1987)

(September 24, 1986)

S.B. 31 (Effective December 4, 1986)
S.C.R. 5

Filed Without Signature of Governor

(September 18, 1986)

H.B. 93 (Effective December 4, 1986)

(September 24, 1986)

S.B. 15 (Effective December 4, 1986)